

19871201

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF

TUESDAY, DECEMBER 1, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:28 a.m. with Council Members Wolfsheimer and Cleator not present. Mayor O'Connor welcomed visitors from Costa Rica. The meeting was recessed by Mayor O'Connor at 12:06 p.m.

The meeting was reconvened by Deputy Mayor McColl at 2:12 p.m. Mayor O'Connor adjourned the meeting at 6:37 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-excused by R-270212 (vacation)
  - (2) Council Member Cleator-present
  - (3) Council Member McColl-present
  - (4) Vacant
  - (5) Council Member Struiksma-present
  - (6) Council Member Gotch-present
  - (7) Council Member McCarty-present
  - (8) Council Member Ballesteros-present
- Clerk-Abdelnour (tm/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Vacant
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present

ITEM-211: (R-88-1122 Rev.1) ADOPTED AS RESOLUTION R-269888

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Adoption of a Resolution determining that the community of Carmel Mountain Ranch complies with the provisions of the Interim Development Ordinance and therefore will be released from the requirements of the Ordinance.

(District-1.)

FILE LOCATION: LAND - Carmel Mountain Ranch Community Plan

COUNCIL ACTION: (Tape location: D250-E385.)

Hearing began at 2:32 p.m. and halted at 3:22 p.m.

Testimony on favor given by Paul Peterson, Buck Bennett, Laurie McKinley, Charles Black and John Fitch.

Testimony in opposition given by Kathy Giles.

MOTION BY CLEATOR TO ADOPT THE PLANNING DEPARTMENT AND THE CITY MANAGER'S RECOMMENDATION TO RELEASE THE COMMUNITY. Second by

McCarty. Passed by the following vote: Wolfsheimer-not

present, Cleator-yea, McColl-yea, District 4-vacant,

Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor

O'Connor-nay.

ITEM-330: (R-88-895) ADOPTED AS RESOLUTION R-269872

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Considering the protests and determining that it is in the public interest to acquire 4.67 acres of Guymon Arms for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-269721, adopted November 16, 1987; authorizing the expenditure of not to exceed \$611,000 as payment for said property and related costs from Open Space Park District Bond Fund 79103; authorizing the City Manager to accept the deed to said property without further Council action.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: On November 21, 1983, the Council approved a revised open space retention list and gave direction on future open space appraisals for purposes of acquisition. Included in that direction was that \$5 million be allocated in each of Council Districts 3 and 4 to acquire open space and to "look to the Councilmember of the District" in identification of parcels to be acquired. City staff has since been working with District staff to meet the requirements of the Council directive. As part of our ongoing efforts to acquire quality open space, the parcel was discussed with District 4. Councilmember Jones reviewed the parcel and recommended it be added to the District 4 acquisition plan. The specific

acquisition plan and funds to appraise this land for purposes of acquisition for open space were approved by the City Council on September 15, 1986. This request is for \$611,000 to purchase this parcel at fair market value, plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8800424.

FILE LOCATION: STRT OS-26 DEED F-4261

COUNCIL ACTION: (Tape location: A125-129.)

Hearing began at 10:36 a.m. and halted at 10:37 a.m..

MOTION BY GOTCH TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-331:

Proposal to amend the Housing Element of the Progress Guide and General Plan of the City of San Diego by:

1) Shifting assisted housing policy from moderate income housing production to lower income housing production and rehabilitation.

2) Revising quantified objectives in the area of housing affordability assistance, utility assistance, energy and water conservation and housing discrimination.

3) Introducing new programs in the areas of SRO's, homeless shelters and transitional housing, mobilehome park conversions, Coastal Zone housing, rehabilitation linkage fees, an affordable housing fund and community balance.

4) In addition, a new Planning, Policy and Research Division is proposed to internally monitor Housing Commission activities, policies, and production records. Additional information on these new programs, their objectives, financing and time frames, in Chapter 13.0 of the draft Housing Element Annual.

(City-wide.)

Subitem-A: (R-88-910) ADOPTED AS RESOLUTION R-269873

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-85-0357 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88-909) ADOPTED AS RESOLUTION R-269874

Adoption of a Resolution amending the City's Housing Element.

FILE LOCATION: LAND: HOUSING ELEMENT OF THE PROGRESS GUIDE  
AND GENERAL PLAN.

COUNCIL ACTION: (Tape location: A130-286.)

Hearing began at 10:37 a.m. and halted at 10:42 a.m.

Testimony in favor given by Hans Jovishoff.

MOTION BY McCOLL TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-332:

Three actions relative to the improvement of City and Normal Heights Alley, Street, Water and Sewer Replacement - Contract No. 5 (1911 Street Improvement Act): (East San Diego and Normal Heights Community Areas. District-3.)

Subitem-A: (R-88-890) ADOPTED AS RESOLUTION R-269875

Considering the protests and confirming the assessment in the matter of improving City and Normal Heights Alley, Street, Water and Sewer Replacement - Contract No. 5 on Assessment Roll No. 4002, under Resolution of Intention R-264508, adopted November 25, 1985.

Subitem-B: (R-88-891) ADOPTED AS RESOLUTION R-269876

Authorizing the expenditure of an amount not to exceed \$18,497.81 from Fund 18517, Dept. 5988, Org. 8807; \$101,939.93 from Fund 18520, Dept. 5813, Org. 1310; and \$11,835.45 from Capital Outlay Fund 30245, Dept. 3245, Org. 100, CIP-58-007, Ineligible Overhead for Federally Funded Projects, for the purpose of making a contribution to the assessment district and for paying assessments for eligible property owners.

Subitem-C: (R-88-1060) ADOPTED AS RESOLUTION R-269877

Authorizing the execution of Change Order No. 3 to the contract with Mur-Vic Construction Company, Inc. for the Improvement of City Heights and Normal Heights Alley, Street, Water and Sewer Replacement - Contract No. 5 in the amount of a net decrease of \$82,509.00.

CITY MANAGER SUPPORTING INFORMATION: On May 27, 1986, Council awarded a contract for improvement of nine (9) alleys in

City and Normal Heights in accordance with the Council-adopted CDBG Assessment District Cost-Sharing Program.

Construction is now complete, and the assessments must be levied. CDBG funds will be used to pay the assessments to owner-occupied properties where the owner meets HUD income guidelines. Where property owners do not satisfy both conditions, the assessment remains and may be paid over a ten-year period. Each property owner has been sent information regarding the assessment to their property, a CDBG eligibility form and a notice of today's hearing. The final proposed assessments range from 14.3% below to 9.9% above the amounts noticed for the public hearing due to final construction costs. The average is 2% below. Current information indicates that 87 out of 179 property owners satisfy the residency requirements. Change Order No. 3 is a final wrap-up change order reconciling final work quantities for the project. It results in a net decrease of \$82,509 in the construction contract, primarily due to the deletion of sewer main work caused by unstable trench conditions.

Aud. Cert. 8800405.

FILE LOCATION: STRT D-2257

COUNCIL ACTION: (Tape location: A289-314.)

Hearing began at 10:43 a.m. and halted at 10:44 a.m.

MOTION BY McCOLL TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

#### ITEM-333:

Appeals of Atlantic Richfield Company, by Lynne L. Heidel of Peterson, Thelan and Price, from the decision of the Planning Commission in denying Tentative Map TM-87-0145 and Conditional Use Permit CUP-87-0145 (Arco Miramar), and a requested amendment to Planned Industrial Development Permit PID-85-0282, proposing further subdivision of an existing industrial lot into two (2) parcels, redesignation of a 0.73-acre portion of the 1.404-acre parcel from light industrial use to automobile service station use to allow a convenience market with gasoline sales (24-hour operation), and to construct and operate a light industrial development on the remaining 0.67-acre portion.

The subject property is located at the northeast corner of the intersection of Miramar Road and Camino Santa Fe and is described as Lot 3, Oliver McMillan Industrial Park, Map 11620, in Zone M-1B, in the Mira Mesa Community Plan area.

(PID, TM, CUP-87-0145. District-5.)

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Subitem-A: (R-88-1262) ADOPTED AS RESOLUTION R-269878

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0145 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88-1263) ADOPTED AS RESOLUTION R-269879,  
GRANTED APPEAL AND PERMIT

Adoption of a Resolution granting or denying the appeal and the PID permit with appropriate findings to support Council action.

Subitem-C: (R-88-1264) ADOPTED AS RESOLUTION R-269880,  
GRANTED APPEAL AND MAP

Adoption of a Resolution granting or denying the appeal and the map with appropriate findings to support Council action.

Subitem-D: (R-88-1265) ADOPTED AS RESOLUTION R-269881,  
GRANTED APPEAL AND PERMIT

Adoption of a Resolution granting or denying the appeal and the CUP permit with appropriate findings to support Council action.

FILE LOCATION: SUBITEM A: PERM CUP-87-0145, ARCO MIRAMAR;

SUBITEM B: PERM PID-85-0282; SUBITEM C: SUBD

ARCO MIRAMAR; SUBITEM D: PERM CUP-87-0145.

COUNCIL ACTION: (Tape location: A315-382; A580-B091.)

Hearing began at 10:45 a.m. and halted at 10:56 a.m.

MOTION BY STRUIKSMA TO UPHOLD THE APPEAL AND GRANT THE PERMIT.

Second by McColl. Passed by the following vote:

Wolfsheimer-not present, Cleator-not present, McColl-yea,

District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea,

Ballesteros-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO RECONSIDER FOR PURPOSES OF TAKING

TESTIMONY IN OPPOSITION. Second by McColl. Passed by the

following vote: Wolfsheimer-not present, Cleator-not present,

McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea,

McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

Hearing began at 11:06 a.m. and halted at 11:15 a.m.

Testimony in opposition was given by Charlott Brazell.

Testimony in favor was given by Lynne Heidel.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND TO UPHOLD THE APPEAL. Second by Gotch. Passed by the following vote:

Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meeting of October 19, 1987, Item 203, at Lynne Heidel's request, to be discussed at the time when similar items in the pipeline come before Council.)  
Appeals of Atlantic Richfield Company, by Lynne L. Heidel, from the decision of the Planning Commission in denying Conditional Use Permit, Tentative Map and Planned Industrial Development Permit 87-0178, which include a request to amend PID-87-0060 (formerly PID-82-0440), a new CUP to allow an automotive service station and mini-market (24-hour operation), and a two lot Tentative Parcel Map. The subject property (approximately 1.06 acres) is located on the southeast corner of Steadman Street and Mira Mesa Boulevard and is further described as Lot 1, Lusk Mira Mesa Business Park East 1, Unit 1, Map-11024, in Zone M-1B, in the Mira Mesa Community Plan area.  
(CUP, TM, PID-87-0178. District-5.)

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Subitem-A: (R-88- ) FILED AS A RESULT OF DENYING THE APPEAL

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0178 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88-1259) ADOPTED AS RESOLUTION R-269882, DENIED THE APPEAL AND PERMIT

Adoption of a Resolution granting or denying the appeal and the CUP permit with appropriate findings to support Council action.

Subitem-C: (R-88-1260) ADOPTED AS RESOLUTION R-269883,

DENIED THE APPEAL AND MAP

Adoption of a Resolution granting or denying the appeal and the map with appropriate findings to support Council action.

Subitem-D: (R-88-1261) ADOPTED AS RESOLUTION R-269884,  
DENIED THE APPEAL AND PERMIT

Adoption of a Resolution granting or denying the appeal and the PID permit with appropriate findings to support Council action.

FILE LOCATION: SUBITEMS A & SUBITEM B: PERM CUP-87-0178;  
SUBITEM C: SUBD ARCO STEADMAN; SUBITEM D:  
PERM PID-82-0440

COUNCIL ACTION: (Tape location: A383-579.)

Hearing began at 10:57 a.m. and halted at 11:05 a.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND TO DENY THE APPEAL.

Second by McColl. Passed by the following vote:

Wolfsheimer-not present, Cleator-not present, McColl-yea,

District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea,

Ballesteros-yea, Mayor O'Connor-yea.

ITEM-335:

Two actions relative to the City Operations Building -

Permit Center Design and Construction:

(See City Manager Report CMR-87-583. Centre City Community Area. District-8.)

Subitem-A: (O-88-86) INTRODUCED AND ADOPTED AS  
ORDINANCE O-16990 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-16916-1, by adding to the Fiscal Year 1988 Capital Improvements Program a new project, entitled "City Operations Building - Permit Center Construction;" directing the Auditor and Comptroller to appropriate and transfer the sum of \$1,500,000 from the Enterprise Fund 41300, Unappropriated Fund Balance to the newly added CIP Project CIP-37-417; directing the Auditor and Comptroller to allocate the above specified amount as follows:

\$1,300,000 to Account 4220 and \$200,000 to Account 4118.

NOTE: The first public hearing of this Ordinance was held on



Monday, November 30, 1987, Item 209. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

Subitem-B: (R-88-1100) ADOPTED AS RESOLUTION R-269885

Adoption of a Resolution authorizing the execution of an agreement with Eric Davey, AIA and Associates, for the design and construction required to complete the City Operations Building - Permit Center; authorizing the expenditure of an amount not to exceed \$200,000 from Building Inspection Enterprise Fund 41300, Account 4118, for the purpose of providing funds for the execution of the above agreement; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves; authorizing the expenditure of an amount not to exceed \$1,100,000 from CIP-37-417, City Operations Building - Permit Center Construction, for the purchase of partitioning and systems furniture, pursuant to BID-7570.

Aud. Cert. 8800483.

FILE LOCATION: MEET CCONT FY88-1

COUNCIL ACTION: (Tape location: B100-107.)

MOTION BY GOTCH TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT SUBITEM A, AND ADOPT SUBITEM B. Second by McColl. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-336:

Two actions relative to the preliminary findings - City Office Space Study:  
(See City Manager Report CMR-87-589.)

Subitem-A: (O-88-87) INTRODUCED AND ADOPTED AS  
ORDINANCE O-16991 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-16916-1, as amended and adopted therein, by increasing the General Fund 100, Nondepartmental Expense (601), City Office Acquisition Program (Org. 117) by the

sum of \$250,000 for the purpose of funding consultant studies and required staff support; directing the Auditor and Comptroller to transfer said sum of \$250,000 from the General Revenue Sharing Fund (18014) Contingency Reserve to the General Fund 100, Nondepartmental Expense, City Office Acquisition Program (Dept. 601/Org. 117).

NOTE: The first public hearing of this Ordinance was held on Monday, November 30, 1987, Item 208. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

Subitem-B: (R-88-1112) ADOPTED AS RESOLUTION R-269886

Adoption of a Resolution authorizing the City Manager to retain appropriate consultants for architectural planning and economic analyses in respect to the study of alternative City office space sites; authorizing the Auditor and Comptroller to expend funds from the General Fund 100, Nondepartmental Expense City Office Acquisition Program (Dept. 601/Org. 117) for the purpose of funding such consultant studies and required staff support.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B108-137.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT SUBITEM A, AND ADOPT SUBITEM B. Second by McCarty.

Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-337: (R-88-932) ADOPTED AS RESOLUTION R-269889

Establishing the following fee-deposit structure to defray the cost of processing applications for Gaslamp Quarter Special Permits pursuant to San Diego Municipal Code Sections 101.0204 and 103.0403: a \$10 fee for business license tax review; a \$65 fee for signage review; a \$250 dollar deposit for review of alcohol beverage sale and minor improvement projects; and a \$1,500 deposit for review of new construction/major projects.

(Centre City/Gaslamp Quarter Historic District. District-8.)

PLANNING DEPARTMENT SUPPORTING INFORMATION: In January 1985, the City Council amended the Gaslamp Quarter Planned District Ordinance (PDO) and authorized a Special Permit to be approved by the Planning Director. This Special Permit must be obtained

prior to establishing any use or obtaining any license/permit pertaining to the Gaslamp Quarter Project Area. This process often involves considerable staff review of the project as well as coordination with other City Departments/Governmental agencies. In the case of rehabilitating designated historic structures (approximately two-thirds of the Historic District), the process may also involve tax certification application/review. The Council established a single fee to recoup the cost of processing these Special Permits. This fee was never implemented as Gaslamp Quarter Code Enforcement/Design Review was conducted by a Community Development Block Grant (CDBG) funded position. Commencing with the current Fiscal Year 1987-88 budget, the Gaslamp Quarter Code Enforcement position was transferred to the City's General Fund. Furthermore, the experience gained in two and one half years of processing Gaslamp Quarter Special Permits indicates that a tiered fee/deposit structure is required for actual cost recovery. The following fees/deposits are recommended for Gaslamp Quarter Special Permits:

- a. Business License Tax - \$10 fee.
- b. Signage - \$65 fee.
- c. Alcoholic Beverage Sale and Minor Improvements - \$250 deposit.
- d. New Construction/Major Projects - \$1,500 deposit.

Consideration of this revised fee/deposit schedule is particularly timely in that several major Gaslamp Quarter projects requiring substantial staff review are currently planned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F488-F499.)

Hearing began at 4:06 p.m. and halted at 4:07 p.m.

MOTION BY GOTCH TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-not present, Mayor O'Connor-yea.

#### ITEM-338:

Matter of the Morena Revitalization Program, consisting of:

- 1) Rezoning properties from Zones M-1, C and R-400 to Zones M-1A and C-1 (excluding some properties currently zoned M-1A and all properties currently zoned CA and R1-40000;
- 2) Applying the Community Plan Implementation Overlay Zone (CPIOZ) with supplemental development regulations relating to building height, sidewalks, off-street parking, refuse

collection areas, storage areas and signage; and  
3) Amending the Industrial Element of the Linda Vista Community Plan to identify the application of CPIOZ, describe the development standards associated with each supplemental development regulation and establish "Type A" (Ministerial) application procedures pursuant to CPIOZ. The Morena Revitalization Program is intended to upgrade and improve land uses and physical development in order to economically, visually and physically improve the area. The subject property is located between Tecolote Road on the north, Friars Road on the south, I-5 on the west, Overlook Heights and the University of San Diego on the east, in the Linda Vista Community Plan area.  
(District-6.)

Subitem-A: (R-88-746) ADOPTED AS RESOLUTION R-269890

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0487 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-88-70) INTRODUCED, TO BE ADOPTED JANUARY 4, 1988

Introduction of an Ordinance for M-1A and C-1 Zoning.

Subitem-C: (O-88-71) INTRODUCED, TO BE ADOPTED JANUARY 4, 1988

Introduction of an Ordinance applying the CPIO Zone.

Subitem-D: (R-88-747) ADOPTED AS RESOLUTION R-269891

Adoption of a Resolution amending the Linda Vista Community Plan.

FILE LOCATION: LAND - Linda Vista Community Plan

COUNCIL ACTION: (Tape location: F499-G577.)

Hearing began at 4:07 p.m. and halted at 4:52 p.m.

Testimony in favor by Paul Peterson, Franne Ficara, Jinger Laguardia, Michel Anderson and Janet Kaye.

Testimony in opposition by Stephen Gorey, B.J. Allen, Ruby Brown and Kathryn Johnson.

MOTION BY GOTCH TO APPROVE ITEM AS AMENDED BY PLANNING AND MR. KERCHEVAL'S REPORT INCLUDING THE STRIKEOUT LANGUAGE. REFER TO THE CITY MANAGER AND T&LU THE QUESTION OF PERMIT PARKING FOR THE

OVERLOOK AREA TO ACCELERATE THE RIGHT OF WAY INVESTMENT FROM THE

NAPA STREET WIDENING. DIRECT THE MANAGER TO INVESTIGATE AND TO REPORT TO T&LU WITHIN THE FIRST QUARTER OF 1988. REFER TO PLANNING AND THE CITY ATTORNEY THE QUESTION OF VALLEY VINTNER'S WINE COMPANY THAT WAS RAISED BY MS. FRANNE FICARA AND TO REFER THE NON-CONFORMING USE OF SITE SPECIFIC FOR A REPORT BACK TO COUNCIL AS CLOSE TO THE FIRST OF THE YEAR AS POSSIBLE. DIRECT E&D TO WORK WITH BRUCE HENDERSON ON ARRANGING THE COMMUNITY WORKSHOP IN THE BAY PARK DURING JANUARY OF 1988 TO TALK ABOUT WHAT WE HAVE DONE AND WHAT THE IMPACT WILL BE. DIRECT E&D TO COORDINATE WITH MR. HENDERSON'S OFFICE AND TO REPORT FINDINGS BACK TO COUNCIL AT THE MEETING OF FEBRUARY 16, 1988. Second by Struiksma. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-339: (O-88-55 Rev.) CONTINUED TO JANUARY 12, 1988 AT 10:00 A.M.

Introduction of an Ordinance amending the San Diego Municipal Code (Chapter X, Article 2 - Subdivision Regulations) to establish processing and filing requirements for Vesting Tentative Maps and Vesting Tentative Parcel Maps.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G577-H23.)

MOTION BY STRUIKSMA TO CONTINUE TO JANUARY 12, 1988 AT 10:00 A.M. Second by Gotch. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-340: (O-88-94) CONTINUED TO JANUARY 12, 1988 AT 10:00 A.M.

Introduction of an Ordinance amending the IDO (Interim Development Ordinance) by establishing a process and developing standards for "released projects."

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G577-H23.)

MOTION BY STRUIKSMA TO CONTINUE TO JANUARY 12, 1988 AT 10:00 A.M. Second by Gotch. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea,

District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea,  
Ballesteros-not present, Mayor O'Connor-yea.

ITEM-341: (R-88-1171) REFERRED TO PLANNING COMMISSION

Adoption of a Resolution approving Council Policy 600-37,  
"Development Agreements", establishing guidelines for the  
review of development agreements.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F447-F488.)

Hearing began at 4:04 p.m. and halted at 4:06 p.m.

MOTION BY STRUIKSMA TO REFER THE ITEM BACK TO THE PLANNING  
COMMISSION. Second by Gotch. Passed by the following vote:  
Wolfsheimer-not present, Cleator-yea, McColl-yea, District  
4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not  
present, Mayor O'Connor-yea.

ITEM-342: (R-88-1291) ADOPTED AS RESOLUTION R-269892  
DENYING VARIANCE

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A variance request from the Interim Development Ordinance  
(IDO) to construct a 4-unit condominium. The subject  
property is located at 3705 Riviera Drive and is described  
as Lots 21 & 22, Block 1, Turner's Sea Shell Park,  
Map-1203. The R-1500 zoned site is within the Pacific  
Beach Community Plan. The applicant is demolishing 1  
existing unit.

(Case-87-3040 (Accelerated). (District-6.)

(The Administrator's recommendations will be contained in  
the Planning Reports.)

Today's action is:

Adoption of a Resolution granting or denying the variance  
request with appropriate findings to support Council  
action.

FILE LOCATION: ZONE IDO Variance 87-3040

COUNCIL ACTION: (Tape location: H23-H180.)

Hearing began at 4:55 p.m. and halted at 5:08 p.m.

Testimony in favor by Dennis Cantor.

MOTION BY GOTCH TO DENY THE VARIANCE. Second by Cleator.

Passed by the following vote: Wolfsheimer-not present,  
Cleator-nay, McColl-yea, District 4-vacant, Struiksma-yea,  
Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor  
O'Connor-yea.

MOTION BY CLEATOR TO SUSPEND THE RULES AND EXTEND THE MEETING TO

6:30 P.M. Second by Gotch. Passed by the following vote:  
Wolfsheimer-not present, Cleator-yea, McColl-yea, District  
4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not  
present, Mayor O'Connor-not present.

ITEM-343:

Matters of the following 7 non-accelerated variance requests  
from the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance (IDO) to construct 354-unit apartments/condominiums. The subject property is located on the southeast corner of Nobel Drive between Regents Road and Lebon Drive and is described as Lots 1 and 2, La Jolla International Gardens, Map No. 10247. The R-600 zoned site is within the University Community Plan. Case-87-2087 (Non-accelerated) (District-1.)
- b) A variance request from the Interim Development Ordinance (IDO) to construct 96 units, mixed use. The subject property is located at Genter Street between Girard Avenue and Genter and is described as Lot 1262, Pueblo Lands, Map-36, Assessor Parcel No. 351-190-10. The R-1 zoned site is within the La Jolla Community Plan. Case-87-2267 (Non-accelerated) (District-1.)
- c) A variance request from the Interim Development Ordinance (IDO) to construct a 94-unit multi-family condominium project. The subject property is located at 4050 Third Avenue and is described as Assessor Parcel Nos. 444-521-23 through 29. The R-1000 zoned site is within the Uptown Community Plan. Case-87-2167 (Non-accelerated) (District-2.)
- d) A variance request from the Interim Development Ordinance (IDO) to construct 80 unit townhomes/condominiums. The subject property is located on the west side of Gilman Drive between Via Alicante and I-5 and is described as a portion of Lot 1291 of the Pueblo Lands of San Diego. The Tract H zoned site is within the La Jolla Shores Planned District. Case-87-2128 (Non-accelerated) (District-1.)
- e) A variance request from the Interim Development Ordinance (IDO) to construct a 46-unit multi-family apartment. The subject property is located at Fulton Avenue and Linda Vista Road and is described as Assessor Parcel Nos. 431-260-7,8, & 12. The R-1500 zoned site is within the Linda Vista Community Plan. Case-87-2100 (Non-accelerated) (District-5.)
- f) A variance request from the Interim Development Ordinance (IDO) to construct an 18-unit multi-family condominium. The

subject property is located at 6025-41 Estelle Street and is described as Assessor Parcel Nos. 472-121-4,5, & 6. The MR-1000 zoned site is within the Mid-City Community Plan. Case-87-2151 (Non-accelerated) (District-3.)

- g) A variance request from the Interim Development Ordinance (IDO) to construct 15 single-family residences. The subject property is located at the north end of Glendover Lane and is described as Assessor's Parcel No. 311-020-10. The R1-5000 (HR) zoned site is within the Mira Mesa Community Plan. (Case-87-3017 (Non-accelerated) (District-5.)

19871201

Subitem-A: (R-88- ) CONTINUED TO DECEMBER 8, 1987 AT  
2:00 P.M.

Adoption of a Resolution granting or denying the variance request for Case-87-2087 with appropriate findings to support Council action.

Subitem-B: (R-88-1285 Rev.1) ADOPTED AS RESOLUTION R-269893  
GRANTING VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-87-2267 with appropriate findings to support Council action.

Subitem-C: (R-88- ) CONTINUED TO FEBRUARY 2, 1988 AT  
2:00 P.M.

Adoption of a Resolution granting or denying the variance request for Case-87-2167 with appropriate findings to support Council action.

Subitem-D: (R-88-1243 Rev.1) ADOPTED AS RESOLUTION R-269894  
GRANTING VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-87-2128 with appropriate findings to support Council action.

Subitem-E: (R-88-1286) ADOPTED AS RESOLUTION R-269895  
DENYING VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-87-2100 with appropriate findings to support Council action.

Subitem-F: (R-88- ) CONTINUED TO DECEMBER 8, 1987 AT  
10:00 A.M.



Adoption of a Resolution granting or denying the variance request for Case-87-2151 with appropriate findings to support Council action.

Subitem-G: (R-88-1287) ADOPTED AS RESOLUTION R-269896  
GRANTING VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-87-3017 with appropriate findings to support Council action.

FILE LOCATION:

Subitem A - ZONE IDO Variance 87-2087

Subitem B - ZONE IDO Variance 87-2267

Subitem C - ZONE IDO Variance 87-2167

Subitem D - ZONE IDO Variance 87-2128

Subitem E - ZONE IDO Variance 87-2100

Subitem F - ZONE IDO Variance 87-2151

Subitem G - ZONE IDO Variance 87-3017

COUNCIL ACTION: (Tape location:

Subitem A - H180-H311

Subitem B - H311-I133

Subitem C - D475-D600

Subitem D - I133-I285

Subitem E - I285-I578

Subitem F - I578-J114

Subitem G - J114-J176)

Hearing began at 5:08 and halted at 6:30 p.m.

Testimony in favor given by Paul Robinson on Subitem A, Louis Goebel on Subitem B, Philip Dyson on Subitem D, Conrad Prebys on Subitem E, Steve Emerson on Subitem F, and Paul Robinson and Dave Pettycord on Subitem G.

Testimony in opposition given by Jay Worten and Ron Whittmore on

Subitem B, and Joan Dowd on Subitem E.

MOTION BY STRUIKSMA TO CONTINUE SUBITEM A TO DECEMBER 8, 1987 TO ALLOW COUNCILMEMBER WOLFSHEIMER TO BE PRESENT FOR THE HEARING.

Second by Gotch. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

MOTION BY CLEATOR TO GRANT THE VARIANCE WITH APPROPRIATE FINDINGS ON SUBITEM B. Second by McColl. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-not present.

MOTION BY MCCOLL TO CONTINUE SUBITEM C AT THE REQUEST OF KAREN ZOBELL OF SELTZER, CAPLAN, WILKINS & McMAHON REPRESENTING JACKSON AND ASSOCIATES UNTIL THE TIME PERIOD FOR POTENTIAL APPEAL OF THE HOUSING COMMISSION DECISION HAS RUN. Second by Gotch. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

MOTION BY CLEATOR TO GRANT THE VARIANCE WITH APPROPRIATE FINDINGS ON SUBITEM D. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-nay.

MOTION BY STRUIKSMA TO DENY THE VARIANCE ON SUBITEM E AND REFER TO THE PLANNING DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF THE LINDA VISTA EMERGENCY ORDINANCE. Second by Gotch. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

Motion by Struiksma to issue the following directive to the Planning Department:

All IDO Variance applications and appeals of the IDO Administrator's decision are to receive a full Zoning Plan Check by the Building Inspection Department. No IDO Variance request, accelerated or non-accelerated or appeal is to be brought forth for public hearings for potential allocations unless full Zoning Code compliance is present and any required discretionary permits approved and recorded. Second by McColl. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

Motion by McCarty to deny the variance on Subitem F since the project does not comply with the Mid City Ordinance. No Second.

MOTION BY CLEATOR TO CONTINUE SUBITEM-F FOR ONE WEEK TO DECEMBER 8 TO ALLOW PLANNING TO DETERMINE WHETHER OR NOT THE PROJECT IS IN COMPLIANCE WITH THE MID CITY ORDINANCE. Second by Gotch.

Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO GRANT THE VARIANCE WITH APPROPRIATE FINDINGS ON SUBITEM G CONTINGENT UPON THE APPLICANT BUILDING THE PROJECT WITHIN ONE YEAR. Second by Cleator. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-344: CONTINUED TO DECEMBER 8, 1987 AT 10:00 A.M.

Request to approve Conditional Use Permit CUP-87-0794, proposing to allow the operation of a research, development and demonstration facility for the purpose of gathering information and demonstrating the capabilities of the Circulating Bed Combustor (CBC) technology to destroy hazardous waste. The subject property of approximately 303.6-acres is located on the north side of Genesee Avenue between John J. Hopkins Drive and I-5 and is further described as Parcel 1, City of San Diego Parcel Maps, Page 12921, in Zone SR (Scientific Research), in the University Community Plan area.  
(CUP-87-0794. District-1.)

Subitem-A: (R-88- )

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration, State Clearinghouse No. 87052010 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88- )

Adoption of a Resolution granting or denying the permit with appropriate findings to support Council action.

FILE LOCATION: PERM - CUP-87-0794

COUNCIL ACTION: (Tape location: D66-250; E285-F447.)

MOTION BY GOTCH TO CONTINUE ITEM ONE WEEK TO ALLOW

COUNCILMEMBER

WOLFSHEIMER TO BE PRESENT FOR THE HEARING. Second by McColl.

Passed by the following vote: Wolfsheimer-not present,  
Cleator-not present, McColl-yea, District 4-vacant,  
Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea,  
Mayor O'Connor-yea.

MOTION BY BALLESTEROS TO RECONSIDER THE FIRST COUNCIL ACTION AND  
TO HEAR THE TESTIMONY OF THE TWO EXPERTS WHO FLEW IN FROM THE  
EPA IN WASHINGTON, D.C. AND SACRAMENTO, BUT TO CONTINUE ITEM TO  
DECEMBER 8, 1987 TO ALLOW COUNCILMEMBER WOLFSHEIMER TO BE  
PRESENT FOR THE HEARING. Second by Gotch. Passed by the  
following vote: Wolfsheimer-not present, Cleator-nay,  
McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea,  
McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-S500: (R-88-1283) ADOPTED AS RESOLUTION R-269887

19871201

A proclamation commemorating December as "Healthy Mothers  
Healthy Babies Drug Awareness Month."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A025-038.)

MOTION BY STRUIKSMA TO ADOPT. Second by McColl. Passed by the  
following vote: Wolfsheimer-not present, Cleator-not present,  
McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea,  
McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-S501: CONTINUED TO JANUARY 12, 1988 AT 10:00 A.M.

(Trailed as Unfinished Business from the meeting of  
September 22, 1987, Item 333; Continued from the meetings  
of September 28, 1987, Item S411 and October 20, 1987, Item  
331; Trailed as Unfinished Business from the meeting of  
October 27, 1987, Item S500; Continued from the meetings of  
November 2, 1987, Item S407 and November 9, 1987, Item  
S406; Continued from the meeting of November 24, 1987, Item  
204 at Mayor O'Connor's request, to allow Council Member  
Cleator to be present.)

Rezoning Lots 12, 14, 29, 31 and 33 of Block 22 of  
Lexington Park, Map-1696, excepting therefrom the westerly  
125 feet, from Zone MR-3000 to Zone MR-1500 and amending  
the San Diego Municipal Code relating to the Mid-City  
Planned District. The subject property (.347 acres) is  
located at 2412 Fairmount Avenue, in the Mid-City Community  
Plan area.

(Case-87-0243. District-8.)

Subitem-A: (R-87-2483)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0243 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-217)

Introduction of an Ordinance for MR-1500 Zoning.

Subitem-C: (O-88-21)

Introduction of an Ordinance amending the San Diego Municipal Code relating to the Mid-City Planned District.

FILE LOCATION: ZONE Ord.No.

COUNCIL ACTION: (Tape location: B138-308; D66-D90.)

Hearing began at 11:20 a.m. and halted at 11:25 a.m.

MOTION BY BALLESTEROS TO CONTINUE TO JANUARY 12, 1988 AT 10:00

A.M. Second by McColl. Passed by the following vote:

Wolfsheimer-not present, Cleator-not present, McColl-yea,

District 4-vacant, Struiksma-not present, Gotch-yea,

McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-S502: CONTINUED TO FEBRUARY 2, 1988, 10:00 A.M.

(Continued from the meeting of November 24, 1987, Item 343, for further review by Mr. Roberts.)

The proposed Uptown Community Plan which will update and replace the existing Uptown Community Plan (adopted May 1975) and the Uptown Medical Complex Plan (adopted December 1977). The proposed plan addresses land use, transportation, urban design, public improvements, and other issues. Recommendations include the following:

- a) Reduce permitted residential densities in specified areas.
- b) Increase opportunities for mixed-use development in commercial areas.
- c) Improve the design of development.
- d) Improve the pedestrian environment.

(Districts-2 and 8.)

Subitem-A: (R-88-911)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0625 has

been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-88-912)

Adoption of a Resolution approving the Uptown Community Plan amendment, to become effective upon adoption of the amendment to the Progress Guide and General Plan at the next omnibus hearing.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B309-322.)

Hearing began at 11:26 a.m. and halted at 11:34 a.m.

Council Member Cleator arrived at 11:33 a.m.

Testimony by Test Wilcox.

MOTION BY BALLESTEROS TO CONTINUE TO FEBRUARY 2, 1988, AT 10:00 A.M. FOR LACK OF VOTES. Second by Cleator. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-S503: (O-88-81 Rev.) CONTINUED TO DECEMBER 7, 1987 at 2:00 P.M.

(Continued from the meeting of November 24, 1987, Item S501, at Council Member Ballesteros' request, for further review.)

Introduction and adoption of an Ordinance amending Sections 1 and 3 and 10 and repealing Section 5, of Ordinance O-16855 (New Series), adopted May 4, 1987, limiting issuance of demolition permits, building permits and commencement of construction in portions of the Uptown Community Area.

(Uptown Community Area. District-2.)

NOTE: See Item S502 on today's supplemental docket for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B309-C298.)

Motion by Ballesteros to amend the emergency ordinance to require that residential development follow the guidelines for development described within the planned residential development permit. It would insure that new development be

compatible with the density and scale of the existing community. It would also provide a deterrent to demolition without a permit by not allowing the issuance of a building permit for a period of one year when any structure or building is demolished or substantially damaged. It would also require the new projects provide adequate parking as specified in the planned residential development by deleting Section 5 of the ordinance. Also, as part of this measure that the date of this emergency ordinance be move forward one day to help the Chan family. Move that amendment to Section 10 of the Ordinance Number O-16855 be added to this particular emergency ordinance. Second by McCarty. No vote taken.

Motion by Cleator to continue for one week to allow Mr. Roberts, Council Member Elect, to Review. Second by Struiksma. Failed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-nay, McCarty-nay, Ballesteros-nay, Mayor O'Connor-yea.

MOTION BY GOTCH TO CONTINUE ONE WEEK. Second by Cleator. Passed by the following vote: Wolfsheimer-not present, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-nay, Mayor O'Connor-yea.

#### NON-DOCKET ITEMS:

None.

#### PUBLIC COMMENT:

ITEM-PC-1:

#### REFERRED TO THE CITY ATTORNEY

Joe Jaoudi spoke in reference to an alleged erroneous City Attorney determination.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J176-J190.)

#### ITEM-PC-2: REFERRED TO CITY CLERK, CITY ATTORNEY AND PLANNING DEPARTMENT

Will Laughlin spoke regarding a non-accelerated variance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J190-J237.)

#### ITEM-PC-3:

Public Comment by Rose Lynn.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: J237-J265.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor  
O'Connor at 6:37 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J265).